

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

THE STATE OF LOUISIANA, et al.,

Plaintiffs,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Defendant.

No. 2:24-cv-629-DCJ-TPL

Judge David C. Joseph

Magistrate Judge Thomas P. LeBlanc

UNITED STATES CONFERENCE OF
CATHOLIC BISHOPS, et al.,

Plaintiffs,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, et al.,

Defendants.

No. 2:24-cv-691-DCJ-TPL

Judge David C. Joseph

Magistrate Judge Thomas P. LeBlanc

**BISHOPS PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF THEIR MOTION FOR PARTIAL SUMMARY JUDGMENT
AND PERMANENT INJUNCTION**

The Bishops respectfully submit this notice regarding *Catholic Benefits Association v. Lucas*, No. 1:24-cv-142, 2025 WL 1144768 (D.N.D. Apr. 15, 2025).

In their summary judgment briefing, the Bishops cited *Catholic Benefits Association v. Burrows*, 732 F. Supp. 3d 1014 (D.N.D. 2024), in support of their standing and ripeness arguments and on their Religious Freedom Restoration Act (RFRA) claim. *See* USCCB.MSJ.28-31; USCCB.MSJ.Resp.2-5, 26-28; USCCB.MSJ.Reply.1-3. There, a court found standing and ripeness and then granted a preliminary injunction in parallel PWFA litigation on the grounds that

EEOC's Final Rule and accompanying guidance imposed a substantial burden on a Catholic organization's beliefs on human sexuality and procreation that was neither supported by a compelling interest nor narrowly tailored to further such an interest. *Burrows*, 732 F. Supp. 3d at 1025-27 (relying on, among other cases, *Braidwood* and *Franciscan Alliance*). That injunction has now been made permanent because "[t]he facts and evidence ... have not changed since the preliminary injunction was issued." *Catholic Benefits Ass'n*, 2025 WL 1144768, at *3.

So too here. EEOC has done nothing but "reiterate[] the same arguments" from its preliminary-injunction briefing, *id.*, all of which fail, *see* USCCB.MSJ.Reply.15-17. The Bishops have standing and their claims are ripe. USCCB.MSJ.Reply.1-4. The Final Rule imposes a substantial burden on the Bishops by forcing them to choose between following their religious beliefs on abortion, contraception, and certain fertility treatments and risking liability and intrusive, entangling litigation; EEOC's generalized anti-discrimination interest fails to demonstrate why it cannot grant an exemption to the Bishops; and EEOC's "case-by-case" approach leaves several less-restrictive means of achieving this purported interest—including the exemption written into PWFA itself—on the table. USCCB.MSJ.28-31.

Additionally, *Catholic Benefits Association* adopted the recent holding on standing in *Stanley M. Herzog Foundation v. EEOC*, No. 4:24-cv-651 (W.D. Mo. Mar. 18, 2025): Acting Chair Lucas's "intent to revisit" the Final Rule did not defeat standing because "'in the meantime the Final Rule remains the law' and 'the EEOC cannot disavow enforcement or act to change the Final Rule at this time.'" *Catholic Benefits Ass'n*, 2025 WL 1144768, at *3 (quoting *Herzog*); *see also* ECF 109 (Bishops' notice of supplemental authority regarding *Herzog*). This conclusion was bolstered by the many PWFA enforcement actions EEOC had taken against others since the filing of the lawsuit. *Catholic Benefits Ass'n*, 2025 WL 1144768, at *2 (collecting cases).

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Respectfully submitted,

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Dated: April 28, 2025

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2025, the foregoing was served on counsel for all parties via the Court's CM/ECF system.

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